



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
8800 Glacier Highway
Suite 106
Juneau, Alaska 99801-8079

PUBLIC NOTICE DATE: September 9, 2004

EXPIRATION DATE: October 9, 2004

REFERENCE NUMBER: POA-1986-106-O

WATERWAY NUMBER: Lynn Canal 28

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Marion Hobbs, Yankee Cove Development Company, Post Office Box 210447, Auke Bay, Alaska 99821-0447.

LOCATION: The proposed project would be located within NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, Township 38 South, Range 64 East, Copper River Meridian (USGS Quadrangle Juneau C-3 SW); at approximately Latitude $58^{\circ} 35' 34''$ North, Longitude $134^{\circ} 53' 59''$ West; at Adlersheim Lodge on Yankee Cove, approximately 35 miles north of Juneau, Alaska.

WORK: The applicant proposes to place structures, dredge, and discharge dredged material into navigable waters of the United States in conjunction with the construction of a moorage facility at Yankee Cove. The following work would occur below the high tide line (approximate elevation +19.7 feet above the 0.0-foot contour):

Dredge 20,800 cubic yards of marine sand and gravel material for a 70,000 square foot (1.6 acre) moorage basin that would be dredged to an elevation of -12.00 feet below the 0.0-foot contour. Approximately 1,100 cubic yards of shot rock riprap would be placed on the slopes of the basin.

Discharge 13,400 cubic yards of the dredged material in a 30,000 square foot (0.69 acre) wharf area that would be contained by a vertical seawall composed of steel H-piles with concrete or fiberglass panel inserts. The seawall would be 150 feet wide and extend an average of 200 feet channelward of the high tide line with a finished elevation of +26 feet above the 0.0-foot contour. The fill would consist of 9,300 cubic yards of dredged material capped by 4,100 cubic yards of imported shot rock. The remaining dredged material would be hauled off-site to an upland disposal area.

A 10-foot wide by 80-foot long aluminum gangway (ramp) would extend from the seawall to a 20-foot wide by 80-foot long timber-decked dock. The dock would be supported by ten 12-inch diameter by 60-foot long steel piles with 42-inch High Density Polyethylene (styrofoam) floats. The shoreline southeast of the seawall would be graded to accommodate a 30-foot wide concrete boat-launching ramp that would extend to the -10 foot depth contour.

PURPOSE: Provide a permanent, year-round, watercraft staging and moorage facility for northern Lynn Canal communities and developers.

ADDITIONAL INFORMATION: DA permit 1-860106, Lynn Canal 28 was issued on July 8, 1986, to moor a 12-foot by 80-foot wood-decked steel float dock anchored in place and a 5-foot by 70-foot ramp walkway extending from a concrete abutment to the dock. On March 16, 1987, modification number M-860106, was issued to reposition the facility, and the following 4 conditions were incorporated: 1) that public access shall be maintained along the Yankee Cove and Lynn Canal shorelines; 2) that petroleum products shall not be stored on or dispensed from the walkway or the moorage float; 3) that any petroleum products stored on the uplands shall be contained so as to avoid discharge into wetlands and tidelands; and 4) that seasonal installation of the facility should not occur during the period April 15 to May 15. On April 14, 1995, modification number N-860106, was issued to extend the permit expiration date to March 31, 1998. Further information about the proposed work may be obtained by contacting Murray Walsh, Walsh Planning & Development Services, 2974 Foster Avenue, Juneau, Alaska 99801-1956, or by phone at 1-907-586-4083.

MITIGATION: As a result of early project planning, the applicant has proposed the following mitigation efforts to reduce impacts to the aquatic environment:

- 1) All work would stay at least 100 feet away (southeast) of Bessie Creek, an anadromous fish stream.
- 2) There would be no creosote or pentachlorophenol treated wood used for the dock.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In

addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: The project area is within the known or historic range of the Stellar Sea Lion and the Humpback Whale. Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS).

We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. We have insufficient information at this time to assess the cumulative effects of the proposed work on EFH, but cumulative effects will be considered in our final assessment of the described work. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final assessment of the described work. This proposed project may also adversely affect associated species such as major prey or predator species which are not covered by Fishery Management Plans.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines.

Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Mr. Jeff Koschak at (907) 790-4490, or by email at Jeffrey.a.Koschak@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

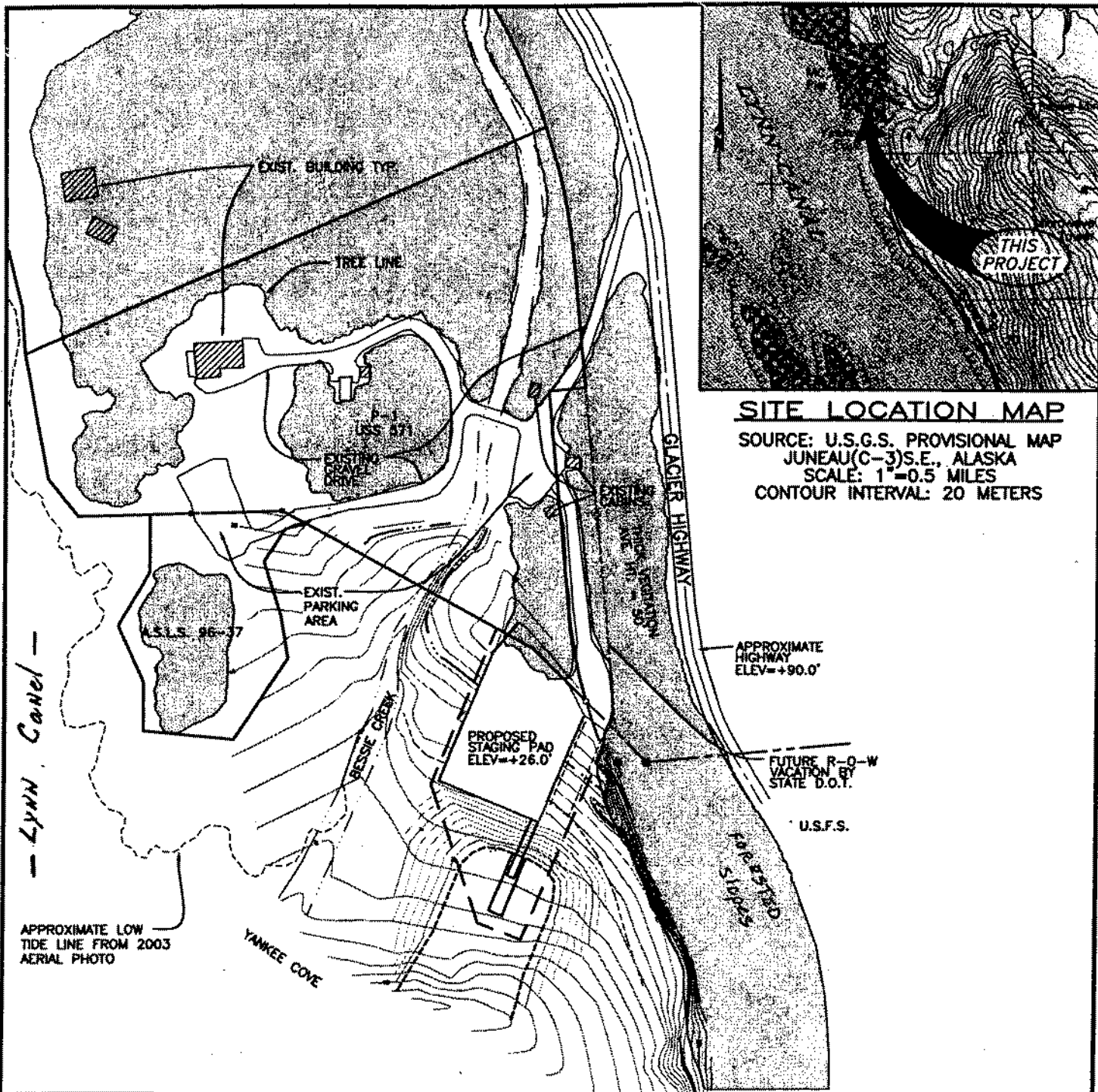
(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

() Transport dredged material for the purpose of dumping it into ocean waters - Section 103 Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413). Therefore, our public interest review will consider the criteria established under authority of Section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (40 CFR Parts 220 to 229), as appropriate.

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer
U.S. Army, Corps of Engineers

Attachments



SITE LOCATION MAP

SOURCE: U.S.G.S. PROVISIONAL MAP
JUNEAU(C-3)S.E., ALASKA
SCALE: 1"=0.5 MILES
CONTOUR INTERVAL: 20 METERS

SHEET INDEX

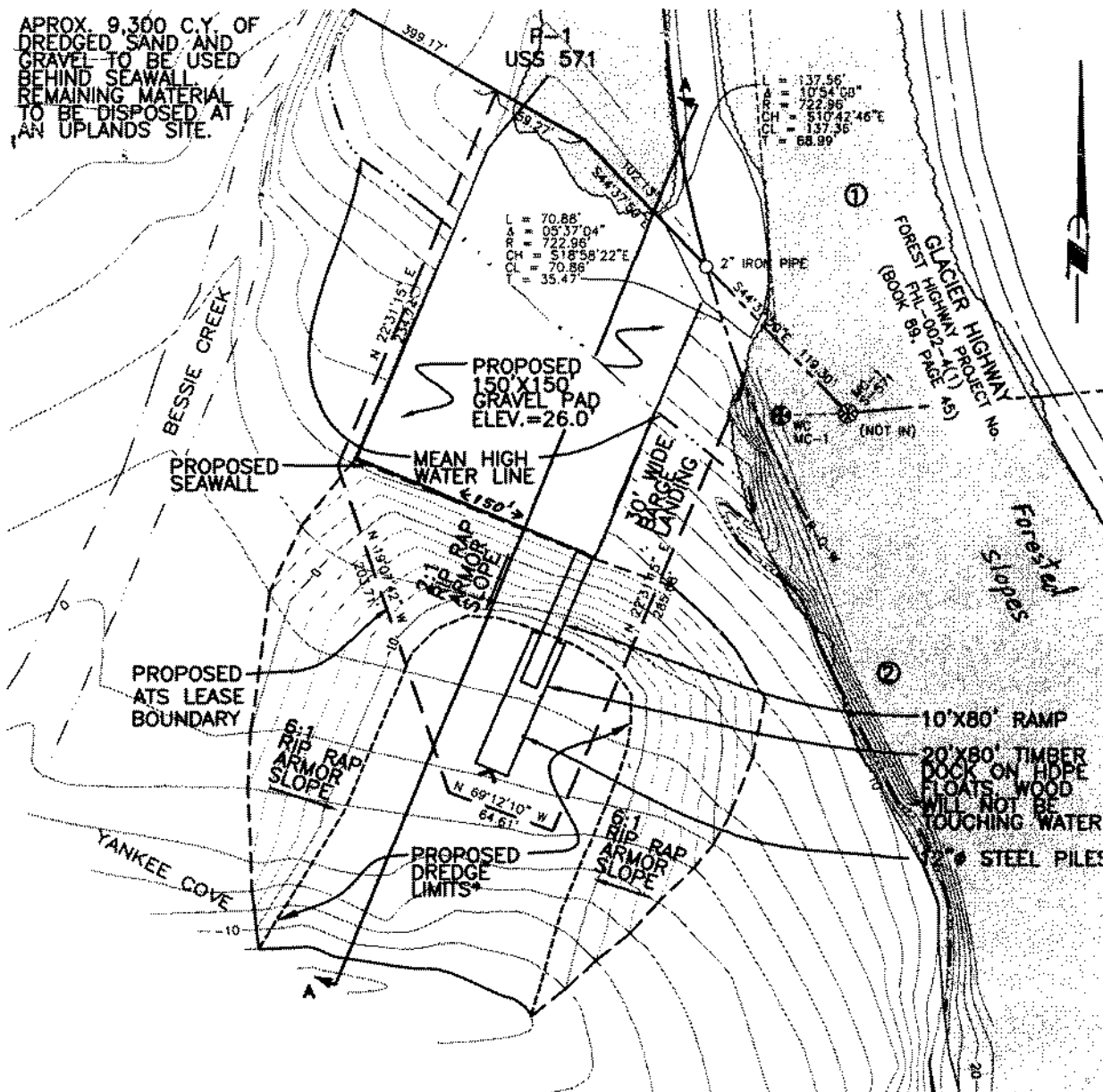
SHT.	DESCRIPTION
1	SITE LOCATION MAP
2	SITE PLAN
3	SITE CROSS SECTION

PROPOSED DOCK FACILITY SITE LOCATION MAP REF. #POA-1998-782

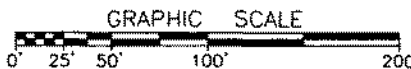
IN: FAVORITE CHANNEL
AT: JUNEAU, ALASKA
APPLICANT: MARION HOBBS
PO BOX 210447
AUKE BAY, AK 99821

DATE: JULY, 2004 SHEET 1 OF 3

APPROX. 9,300 C.Y. OF
DREDGED SAND AND
GRAVEL TO BE USED
BEHIND SEAWALL
REMAINING MATERIAL
TO BE DISPOSED AT
AN UPLANDS SITE.



PROPOSED DOCK AND LANDING



PROPERTY OWNERS:

- ① STATE OF ALASKA (ADOT/PF)
- ② UNITED STATES FOREST SERVICE
- ③ JAMES BROWN (VACANT)

QUANTITIES:

TOTAL FILL VOLUME	13,400 CUBIC YARDS
IMPORTED ROCK FILL	4,100 CUBIC YARDS
USEABLE DREDGED FILL	9,300 CUBIC YARDS
12" RIP RAP ARMOR	1,100 CUBIC YARDS
TOTAL CUT VOLUME	20,800 CUBIC YARDS

*DREDGING WILL BE DONE BY
EXCAVATION VIA UPLANDS ACCESS.
PILE DRIVING WILL BE DONE BY BARGE.

PROPOSED DOCK FACILITY SITE PLAN

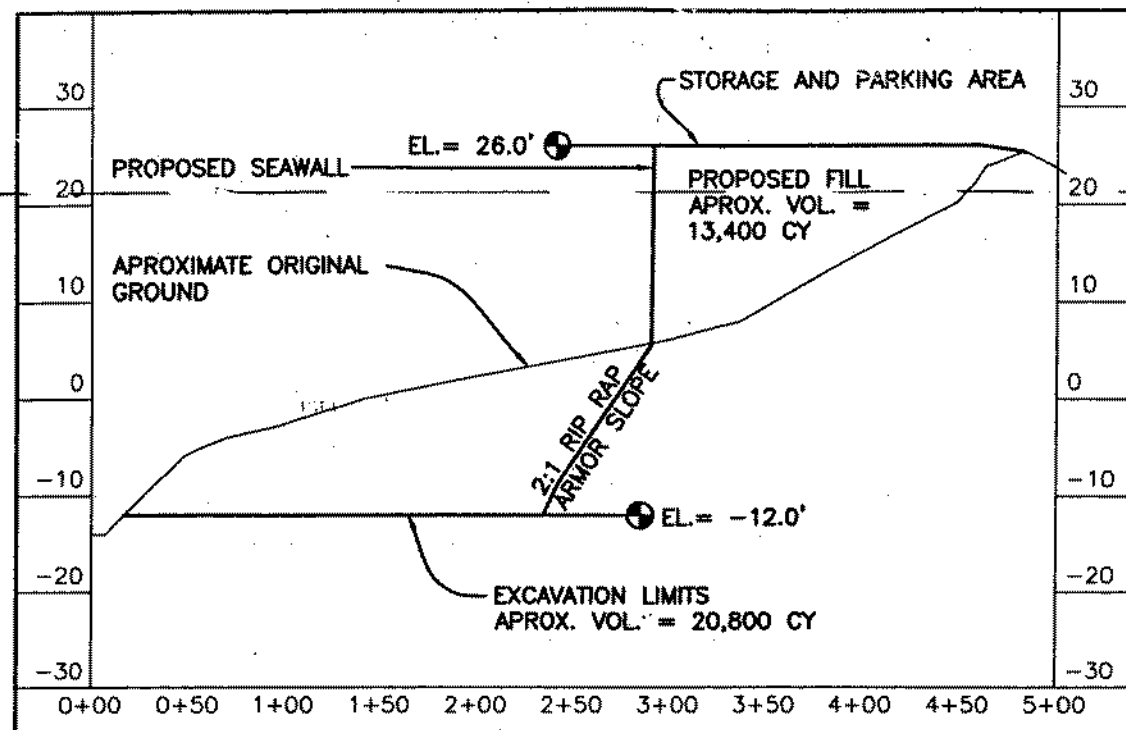
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IN: FAVORITE CHANNEL

AT: JUNEAU, ALASKA

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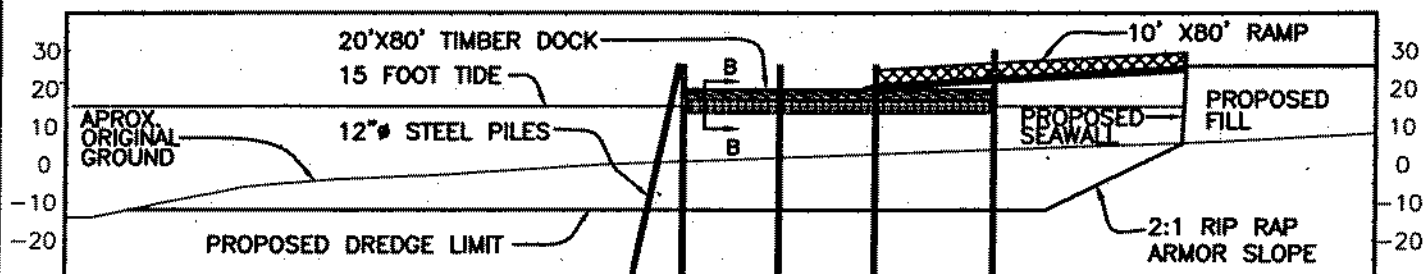
DATE: JULY, 2004 SHEET 2 OF 3



SECTION A - A

SCALES: VERTICAL - 1" = 20 FEET

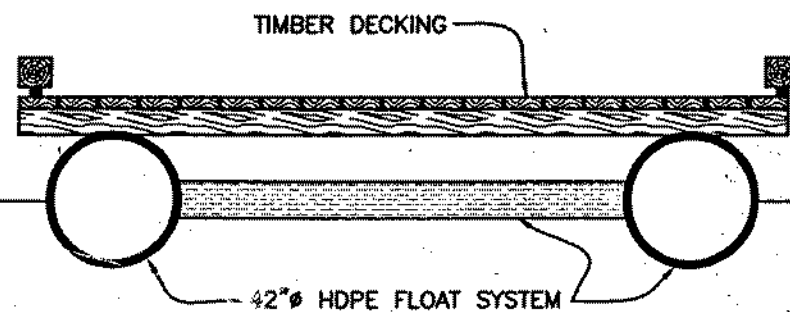
HORIZONTAL - 1" = 100 FEET



DOCK SECTION DETAIL

SCALES: VERTICAL - 1" = 50 FEET

HORIZONTAL - 1" = 50 FEET



SECTION B - B

SCALE: 1" = 5'

PROPOSED DOCK FACILITY
SITE CROSS SECTIONS
REF. #POA-1998-782

IN: FAVORITE CHANNEL

AT: JUNEAU, ALASKA

APPLICANT: MARION HOBBS
PO BOX 210447
AUKE BAY, AK 99821

DATE: JULY, 2004 SHEET 3 OF 3

STATE OF ALASKA

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0030
PHONE: (907) 465-3562/FAX: (907) 465-3075

NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. POA-1986-106-O (Lynn Canal 28), will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the OPMP web site at <http://www.dnr.state.ak.us/opmp/>

Attachment 1

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF AIR AND WATER QUALITY
Non-Point Source Control Section
401 Certification Program

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. POA-1986-106-0 (Lynn Canal 28), serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation
WQM/401 Certification
410 Willoughby Avenue
Juneau, Alaska 99801-1795
Telephone: (907) 465-5321
FAX: (907) 465-5274